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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,274	07/14/2003	Jan Erik Jansson	SOI8226P0111US	6322
32116	7590	05/26/2004	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			SINGH, SUNIL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,274

Applicant(s)

JANSSON, JAN ERIK

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/9/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the status of application 10/286,677 needs to be updated throughout the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al.'939 in view of Jansson et al. '222.

Barth et al. discloses a concrete slab (see abstract) having thicker portions (4,6,8) and thinner portions (12,18) wherein the frangible sections are along the thinner portions. The staggered thicker portions are depicted in Figure 1. Barth et al. discloses the invention substantially as claimed. However, Barth et al. lacks flexible geogrid member embedded within the slab (blocks). Jansson et al. teaches flexible geogrid member embedded within slab (blocks). It would have been considered obvious to one of ordinary skill in the art to modify Barth et al to include the flexible geogrid member as taught by Jansson et al. since this would ensure that the blocks would hold together

well, even after fracture at the predetermined breaking points (frangible sections).

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al.'939 in view of WO 93/07339

Barth et al. discloses a concrete slab (see abstract) having thicker portions (4,6,8) and thinner portions (12,18) wherein the frangible sections are along the thinner portions. The staggered thicker portions are depicted in Figure 1. Barth et al. discloses the invention substantially as claimed. However, Barth et al. lacks flexible geogrid member embedded within the slab (blocks). WO 93/07339 teaches flexible geogrid member (5) embedded within slab (blocks) (2). It would have been considered obvious to one of ordinary skill in the art to modify Barth et al to include the flexible geogrid member as taught by WO 93/07339 since this would ensure that the blocks would hold together during transport and storage and on laying on the ground, but sufficiently flexible to permit a restricted amount of relative movement between adjacent blocks as may, in some cases, be required by the contour of the area to be covered by the slab system (see page 7 of WO 93/07339).

Response to Arguments

5. Applicant's arguments filed 3/9/04 have been fully considered but they are not persuasive. Applicant argues that Jansson et al. does not teach a concrete slab that is breakable along relatively thinner portions to form discrete, relatively thicker blocks. The examiner agrees since it is Barth et al. that is relied for such features and not

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Jansson et al. Applicant argues that Barth et al. does not teach geogrid embedded in his slab. This is true but the examiner is relying on Jansson et al. for such feature.

Applicant argues that there is no motivation for Barth et al. to include geogrid to hold together the thicker blocks once the slab has been broken along the thinner portion.

The examiner disagrees because it is clearly evident by WO 93/07339 reasons why a skilled artisan would want to include geogrid in the slab structure of Barth et al. (See page 7 of WO 93/07339).

Conclusion

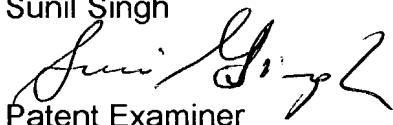
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh



Patent Examiner
Art Unit 3673

SS

5/19/2004